

CIVIL COVER SHEET

19

0212

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

KENNEDY

(b) County of Residence of First Listed Plaintiff Lehigh
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Self represented.

DEFENDANTS

PPL Corporation

County of Residence of First Listed Defendant Lehigh
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input checked="" type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

RICO

18 USC 1961

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

+\$1,000,000

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

No - (RICO)

DOCKET NUMBER

DATE

1.9.2019

SIGNATURE OF ATTORNEY OF RECORD

S. R. R. 1 (SEA1)

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

MAK

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

19

0212

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 401 Tillage Rd., Breinigsville, PA 18031

Address of Defendant: 2 North Ninth St., Allentown, PA 18101-1179

Place of Accident, Incident or Transaction: 401 Tillage Rd., Breinigsville, PA 18031

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 01/09/2019

SL R / C
Attorney-at-Law / Pro Se Plaintiff

(Seal)
Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☒ 11. All other Federal Question Cases
(Please specify): RICO

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases
(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Edward Thomas Kennedy, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: 01/09/2019

SL R / C
Attorney-at-Law / Pro Se Plaintiff

(seal)

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

MAX
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

Kennedy

CIVIL ACTION

v.

PPC Corporation,
et al,

NO. 19

0212

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ☒
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

1.9.2019

Date

STR Ke- (Ser 1)
Attorney-at-law

Self-represented.
~~Attorney for~~

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FAX Number

1810

E-Mail Address

Kennedy 2018 @

Alumni.IND.edu.

MAK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EDWARD THOMAS KENNEDY,

Plaintiff,

v.

Case No. **19 0212**
JURY TRIAL DEMANDED
VERIFIED

PPL CORPORATION, JOANNE H. RAPHAEL,
VINCENT SORGI, WILLIAM H. SPENCE,
KATE E. M. TERCHA, DENNIS KOZE,
CRAWL SPACE REPAIR, UNITED STATES
POSTAL SERVICE, MEGAN BRENNAN,
and THOMAS MARSHALL,

Defendants,

COMPLAINT

TAKE JUDICIAL COGNIZANCE

A. Executive Order 13825 concerning 2018 Amendments to the Manual for Courts-Martial, United States (March 1, 2018) effective January 1, 2019.¹

B. In re Dismissal for Failure to State a Claim

FAILURE TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED

"The general rule in appraising the sufficiency of a complaint about failure to state a claim is that a complaint should not be dismissed '***unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.'

¹ See Law of Armed Conflict, Senator Lindsey Graham Questions Brett Kavanaugh Military Law vs Criminal Law, link here:

https://www.youtube.com/watch?v=3_gmOsnjrZw&index=25&list=WL&t=0s.

The case cited by Graham and Kavanaugh is here: YASER ESAM HAMDI v. DONALD H. RUMSFELD, SECRETARY OF DEFENSE, et al., link here:

<http://law2.umkc.edu/faculty/projects/ftrials/conlaw/hamdi.html>, and Exhibit 2, Law of the Case.

CONLEY VS. GIBSON (1957), 355 U.S. 41, 45, 46, 78 S.Ct. 99, 102, 2 LEd 2d 80; SEYMOUR VS. UNION NEWS COMPANY, 7 Cir., 1954, 217 F.2d 168; and see rule 54c, demand for judgment, FEDERAL RULES OF CIVIL PROCEDURE, 28 USCA: "****every final judgment shall grant the relief to which the party in whose favor it is rendered is entitled, even if the party has not demanded such relief in his pleadings."

U.S. V. WHITE COUNTY BRIDGE COMMISSION (1960), 2 Fr Serv 2d 107, 275 F2d 529, 535

"A complaint may not be dismissed on motion if it states some sort of claim, baseless though it may eventually prove to be, and inartistically as the complaint may be drawn. Therefore, under our rules, the plaintiff's allegations that he is suing in 'criminal libel' should not be liberally construed. [3] The complaint is hard to understand but this, with nothing more, should not bring about a dismissal of the complaint, particularly is this true where a defendant is not represented by counsel, and in view of rule 8{f} of the rules of civil procedure, 28 U.S.C., which requires that all pleadings shall be construed as to do substantial justice BURT VS. CITY OF NEW YORK, 2Cir., (1946) 156 F.2d 791. Accordingly, the complaint will not be dismissed for insufficiency. [4,5] Since the Federal Courts are courts of limited jurisdiction, a plaintiff must always show in his complaint the grounds upon which that jurisdiction depends."

STEIN VS. BROTHERHOOD OF PAINTERS, DECORATORS, AND PAPERHANGERS OF AMERICA, DCCDJ (1950), 11 F.R.D. 153.

"A complaint will not be dismissed for failure to state a claim, even though inartistically drawn and lacking in allegations of essential facts, it cannot be said that under no circumstances will the party be able to recover."

JOHN EDWARD CROCKARD VS. PUBLISHERS, SATURDAY EVENING POST MAGAZINE OF PHILADELPHIA, PA (1956) Fr Serv 29, 19 F.R.D. 511, DCED Pa 19 (1958)

"FRCP 8f: CONSTRUCTION OF pleadings. All pleadings shall be so construed as to do substantial justice."

DIOGUARDI VS. DURNING, 2 CIR., (1944) 139 F2d 774

JURISDICTION AND VENUE

1. This is a matter under common law Torts and The Racketeer Influenced and Corrupt Organizations Act commonly referred to as RICO Act or simply "RICO", a United

States law that provides for extended criminal penalties and a civil cause of action for injuries for acts performed as part of an ongoing criminal organization and this court of record has jurisdiction over such matters.²

2. Defendants PPL Corporation (PPL) and Crawl Space Repair (CSR) are incorporated in the Commonwealth of Pennsylvania in the court's jurisdiction.³ Defendant United States Postal Service (USPS) operates in this judicial district at 442 Hamilton St, Allentown, PA 18101. True ownership of Defendant PPL is probably by the Payseurs.⁴ CSR is owned by Defendant Koze. Kate E.M. Tercha owns 401 Tillage Rd., Breinigsville, PA 18031 (rental building).

FIRST CAUSE OF ACTION – TRESPASS ON THE CASE

PARTIES

3. Edward Thomas Kennedy, (hereinafter "Kennedy" or "Plaintiff") is one of the people of Pennsylvania, and in this court of record complains of each of the following: United States Postal Service ("USPS"), Megan Brennan, Thomas Marshall, PPL Corporation, Joanne H. Raphael, Vincent Sorgi, William H. Spence, Dennis Koze, Kate E.

² 18 U.S. Code Chapter 96 - RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS, 18 U.S. Code § 1961 - § 1968.

³ Source: Commonwealth of Pennsylvania Secretary of State website.

⁴ Defendant PPL is (probably) owned historically by the Lewis Cass Payseur Trust Company, Inc. through nominee directors and nominee shareholders through interlocking directorships and/or Springs Company, and/or the British crown through traitors to the nation. Based on hearsay evidence, the said trust and/or Springs Company is presumed to be administered by Crandall Close Bowles, c/o Federal Reserve Building, 530 E Trade St, Charlotte, NC 28202. Kennedy believes the Payseur family et al., hide assets in most railroads, the Federal Reserve Banks and electric utilities such as Defendant PPL.

M. Tercha, and Crawl Space Repair, hereinafter "Defendant," and "Defendants;" who are each summoned to answer and declare under penalty of perjury the said in a plea of trespass on the Case, RICO, trespass on the case - vicarious liability, failure to provide a republican form of government, negligence, failure to provide safe living conditions, breach of contract, and fraud material omission, to wit:

4. Each Defendant exceeded their jurisdiction by either directly, through an agent, or in concert with another did cause Kennedy to be unlawfully injured against his will, without jurisdiction or good cause.

5. Said Defendants, without good cause, harmed Kennedy.

6. The Postmaster General of the United States Postal Service is its Chief Executive Officer ('CEO") of the Defendant United States Postal Service; Megan Brennan is the current CEO and Postmaster General.

7. Postmaster General Brennan is not General Postmaster, prima facie evidence of the Defendant's probable criminal intent to commit financial fraud under RICO, and/or failure to provide a Republican form of government.⁵

8. The Defendant USPS is in the business of controlling, leasing, and licensing the other Defendants for services.

9. USPS is a corporation with only a Board of Governors, and a Temporary Emergency Committee, but no Board of Directors.⁶

⁵See "Next up is the U.S. Post Office which they (Amazon) use, at a fraction of real cost, as their "delivery boy" for a BIG percentage of their packages...." Trump tweeted in July, 2018. Link here: <https://www.zerohedge.com/news/2018-12-04/trump-targets-amazon-postal-reforms>

⁶ Link here: <https://about.usps.com/who/leadership/welcome.htm>

10. A corporation with no Board of Directors operates in financial fraud and is prima facie evidence of RICO violations concerning financial fraud.

11. USPS does not compete fairly in commercial markets and is subsidized by the United States (US) government and/or US Department of Defense.

12. USPS gives subsidies to Amazon.com Inc.

13. USPS is expected to lose tens of billions of dollars over the next decade, according to the US President Trump Executive Order on USPS.

14. Defendant Thomas Marshall is USPS General Counsel and approves and allows the financial fraud crimes by his signature on official documents and financial reports.

15. USPS headquarters and its executive offices are at 475 L'Enfant Plaza SW, Washington, District Of Columbia 20260-0546.

16. Defendant PPL Corporation (Pennsylvania) has its principal executive offices at Two North Ninth Street Allentown, PA 18101-1179 incorporated under the laws of the State of Pennsylvania.

17. Defendant Crawl Space Repair has its principal executive offices at 54 Shepard Ave Box 54, Delaware Water Gap, Monroe PA 18327 and operates from 401 Tillage Rd., Breinigsville, PA, in the jurisdiction of this court, with no known or advertised municipal business license from Upper Macungie Township, County of Lehigh Pennsylvania.

18. Defendant William H. Spence is Chief Executive Officer of PPL Corporation. Defendant Joanne H. Raphael is General Counsel, PPL Inc., and Defendant Vincent Sorgi is Chief Financial Officer, PPL Corporation, hereinafter also "officers."

SECOND CAUSE OF ACTION - RICO

19. Paragraphs 1 through 18 are included by reference as though fully stated herein.

20. Kennedy sues Defendants in a multi-count cause of action under common law Torts and also The Racketeer Influenced and Corrupt Organizations Act commonly referred to as RICO Act or simply RICO, a US federal law that provides for extended criminal penalties and a civil cause of action for injuries for acts performed as part of an ongoing criminal organization including RICO violations by PPL and USPS that includes the following:

21. The Defendants PPL and USPS have systematically and continuously, over the last ten (10) years and more, conducted a corrupt enterprise in violation of the Racketeer Influenced and Corrupt Organization ("RICO") Act, all of which acts are continuing in nature.

22. As grounds, therefore beginning in 2008 to the present, Defendants PPL, USPS PPL CEO Spence and USPS CEO Brennan misstated, misinformed and filed fake financial records on government websites, supported by self-authenticating digital evidence, and the fact that Defendants PPL, PPL CEO Spence and USPS and USPS CEO Brennan use alternative

metrics to avoid generally accepted accounting principles (GAAP).⁷

23. It is a financial fraud crime to lie or misconstrue information to the government in SEC Form 10-K filings at the government's sec.gov website under RICO and the agency law of the Securities and Exchange Commission and CEO Spence lied, misstated and misconstrued 10-K filings.

24. RICO violations by Defendant USPS includes the following:

a. USPS has incurred \$65 billion of cumulative losses since the 2007-2009 recession, according to President Trump, evidence RICO financial fraud with no intent to earn profits and destroy competition;

b. The Defendant USPS has systematically and continuously, over the last ten (10) years, and more, conducted a corrupt enterprise in violation of the Racketeer Influenced and Corrupt Organization ("RICO") Act, all of which acts are continuing in nature. As grounds, therefore beginning in 2008 to the present.

c. Defendants USPS, Brennan and her predecessors, misstated, misinformed and filed fake financial records on government websites, supported by self-authenticating digital evidence, incurred \$65 billion of cumulative losses since the 2007-2009 recession.

⁷ See for example, See PPL's, "Item 7. Management's Discussion and Analysis of Financial Condition and Results of Operations" for this information at <http://app.quotemedia.com/data/downloadFiling?webmasterId=101533&ref=5501107&type=PDF&symbol=PPL&companyName=PPL+Corp.&formType=10-K&dateFiled=2008-02-29>, for 2008. Evidence under Rule 902 is self-authenticating.

d. The fact that USPS Corporation and USPS CEO Megan Brennan and General Counsel Thomas Marshall use alternative metrics to avoid generally accepted accounting principles (GAAP).⁸

e. It is a financial fraud crime to lie or misconstrued information to the government and we the people, and Brennan lied, misstated and misconstrued financial reports notably without a Board of Directors.

f. Kennedy believes no insurance corporation worldwide will ensure USPS for liability because their frauds go back nunc pro tunc to approximately 1789.

g. USPS does not compete fairly in domestic commercial markets and therefore violates RICO law.

25. The damages claimed are all a result of the injuries.

THIRD CAUSE OF ACTION – TRESPASS ON THE CASE -VICARIOUS LIABILITY

26. Paragraphs 1 through 25 are included by reference as though fully stated herein.

27. Power is never without responsibility. And when authority derives in part from Government's thumb on the scales, the exercise of that power by private persons becomes closely akin, in some respects, to its exercise by Government itself.

28. The purpose of imposing vicarious liability is to ensure the costs of injuries resulting from defective actions are placed on the source of the actions and others who make the actions possible rather than on injured persons who are powerless to protect

⁸ Brennan and Marshall are federal government employees.

themselves. For a defendant to be vicariously liable it must play an integral and vital part in the overall production and promotion activity so that the actor is in a position to affect others or, at the very least, it must provide a link in the chain of exposing the ultimate victim to the actor.

29. The vicariously liable defendant must be in the business of controlling, leasing, bailing or licensing the actors. Each defendant is an agent of the other, and each has his place in the chain of exposing plaintiff Kennedy to the actors. Each defendant is vicariously liable for each instance of injury to the plaintiff.

30. The damages claimed are all a result of the injuries.

FOURTH CAUSE OF ACTION – FAILURE TO PROVIDE A REPUBLICAN FORM OF GOVERNMENT

31. Paragraphs 1 through 30 are included by reference as though fully stated herein.

32. Kennedy wishes Defendants to not breach their fiduciary duty to Kennedy. Kennedy wishes Defendants, especially federal employee defendants, to not breach their oaths of offices.

33. Kennedy wishes Defendants not to lie, mislead, misconstrue, misrepresent and/or put false information into either this court of record or the official public record.

34. The Constitution guarantees to every state a Republican form of government (Art. 4, Sec. 4).

35. No state may join the United States unless it is a Republic. Our Republic is one dedicated to "liberty and justice for all." Minority individual rights are the priority.

36. The people have natural rights instead of civil rights. The people are protected by the Bill of Rights from the majority. One vote in a jury can stop all of the majority from depriving any one of the people of his rights; this would not be so if the United States were a democracy.

37. Trecha and Kose falsely advertised about rental building in 2016.

38. The business models of PPL, USPS, Crawl Space Repair and Kate M Trecha is based on a foundation of deceptions, lies and fraud.

39. The damages claimed are all a result of the injuries.

FIFTH CAUSE OF ACTION-NEGLIGENCE

40. Paragraphs 1 through ~~40~~ are included by reference as though fully stated herein.

41. Negligence Definition is as follows: A failure to behave with the level of care that someone of ordinary prudence would have exercised under the same circumstances. The behavior usually consists of actions, but can also consist of omissions when there is some duty to act. The four elements of negligence are 1) Duty, 2) Breach, 3) Cause and 4) Harm.

42. Koze and Tercha failed to provide Kennedy with a private, secure mailbox at rental building and this directly lead to injury and loss of rights for Kennedy.⁹

⁹ <https://www.usps.com/manage/mailboxes.htm>

43. USPS is negligent for it did not enforce its security mailbox laws at the rental building.

44. The damages claimed are all a result of the injuries.

SIXTH CAUSE OF ACTION- FAILURE TO PROVIDE A SAFE LIVING CONDITIONS¹⁰

45. Paragraphs 1 through 44 are included by reference as though fully stated herein.

46. Koze practices medicine without a license in the shared space community room, evidenced by pictures in Exhibit 2, and the medical devices such as oxygen, microscope, and other medical devices.

47. The shared space kitchen and bathroom are unsanitary and are no longer kept clean, and maybe at times contaminated from the unsterilized medical equipment and devices, which are also not disposed of properly.

48. Modern Fire protection is non-existent at 401 Tillage Rd., Breinigsville, PA 18031.

49. Lead and other toxins are present in the said building ceiling and walls evidenced by Exhibit 2.

50. (Ironically) The said rental building has mold in the kitchen, especially on the

¹⁰ Evidence at Exhibit 2.

refrigerators and in both bathrooms evidenced in Exhibit 2 pictures.¹¹

51. Current tenants may also have severe health problems due to the EMF pollution and from rental building toxins, CSR toxins, Monsanto Corporation Glyphosate and PPL Smarter Meter in and on the said building.

52. Three tenants, two men and one woman, including Annette Hunter and Brian Seibel, who are no longer tenants, and have left the rental building since November 2016 have complained to Kennedy and Defendant Koze about the ill health effects on them from the rental building.

53. Exposed electrical wires in Kennedy's bedroom and the first-floor community room violate national electrical and fire safety standards do not comply with modern rental building codes.

54. Kennedy is harmed by radiation from PPL Corporation Smart Meter, which is located proximate to Kennedy's room on the second floor.¹²

55. Koze for his Crawl Space Repair company's business purposes burns toxic

¹¹ CSR is in the mold elimination business according to its website at this link: <http://crawlspacerepair.net/> that states If your crawl space begins to rot, grow moldy, or have structural integrity problems call to schedule a ... crawl space repair quote.

¹² Smart Meters Exposed! Health Effects from EMF, Radio Frequency Radiation, link here: <https://www.youtube.com/watch?v=7kHVzj1Qb7I> and Health Effects From Smart Meter Radiation, link here: <https://www.naturalblaze.com/2015/04/health-effects-from-smart-meter.html>
Source: Pennsylvania Smart Meter Awareness * PASMA
During the week of April 12, 2015, Pennsylvania Smart Meter Awareness (PASMA) sent out two Press Releases regarding the increasing adverse health effects from Smart Meter (SM) radiofrequency non-ionizing radiation (RFs). Those Press Releases were rather dramatic, especially since utility companies such as Defendants PPL and its officers claim there are no adverse health problems.

materials including but not limited to rotted beams, damaged floor joists, sill plates, box sills, old damaged insulation, and mildew and fungus growth from his customer's homes from his CSR business at 401 Tillage Rd., Breinigsville, PA in violation of US law, causing injury to Kennedy.

56. Koze has no legal authority to burn toxins at this rental building.

57. The damages claimed are all a result of the injuries.

SEVENTH CAUSE OF ACTION – BREACH OF CONTRACT

58. Paragraphs 1 through 57 is included by reference as though fully stated herein.

59. Defendants Koze and Tercha breached the contract with Kennedy concerning tenancy on 12-30-2018 in a Notice and letter signed by Koze on behalf of Tercha.

60. The damages claimed are all a result of the injuries.

EIGHTH CAUSE OF ACTION – FRAUD MATERIAL OMISSION

61. Paragraphs 1 through 60 are included by reference as though fully stated herein.

62. Defendants injured Kennedy by the fraud of Material Omission. Securities and Exchange Commission Rule 10b-5, codified at 17 C.F.R. 240.10b-5, targets securities fraud promulgated by the U.S. Securities and Exchange Commission, pursuant to its authority granted under § 10(b) of the Securities Exchange Act of 1934.[1] Rule 7 prohibits any act or omission resulting in fraud or deceit in connection with the purchase

or sale of any security. The issue of insider trading is given a further definition in SEC Rule 10b5-1.

63. KOZE and Tercha falsely advertised the true condition of the rental building in 2016.

64. Kennedy was injured as a result of fraud by Defendants PPL, Koze and Tercha.

65. The damages claimed are all a result of the injuries.

LAW OF THE CASE

66. Exhibit "1" is incorporated by reference as though fully stated herein. The date of the claim is the date of the hearing. Statutes and codes shall be the rules of decision as long as they are not in conflict with the common law.

67. CONFIRMATIO CARTARUM, (conforming charter)
October 10, 1297, By Edward, King of England, reaffirms that the Magna Carta may be pleaded as the Common Law before a court. This links the Magna Carta to the Common Law. The U.S. Constitution guarantees one's access to the Common Law, i.e. the Magna Carta.¹³

REQUEST FOR RELIEF

68. For that cause of action, therefore, Plaintiff brings his suit.

69. WHEREFORE, Plaintiff prays judgment against Defendants, and each of them, as follows:

¹³ See "Sources of Our Liberties" Edited by Richard L. Perry, American Bar Foundation; distributed by Associated College Presses, 32 Washington Place, New York 3, New York.

On all causes of action:

70. For general damages in the sum of \$5,000 for each day of unlawful behaviors for each defendant, or \$100,000.00 from each defendant, whichever is greater;

71. For damages for the injury caused by the defendant's' absence of required actions of \$5,000 for each failure to act; or \$100,000.00 from each defendant, whichever is greater;

72. That the Court order the defendant PPL to compensate Kennedy for RF technology damages to Kennedy of \$250,000, or order PPL to prove no harm to Kennedy;

73. That the Court Order PPL Corporation, upon proper Motion, to refile reports with agencies of the United States government, especially the Securities and Exchange Commission, based on the information, disclosures and evidence presented in this complaint;

74. That the court Order Defendants Koze and Tercha to compensate Kennedy \$100,000 each for injury and damages under the Sixth Cause of Action – Failure to Provide Safe Living Conditions at Rental Building, and/or return rent nunc pro tunc to all current and past tenants since 2012;

75. That the court Order PPL Corporation to compensate Kennedy \$100,000.00 each from said individual officers of PPL, Inc under First Cause of Action - Trespass on the Case;

76. That the court Order all defendants to compensate Kennedy \$150,000.00 each under Third Cause of Action - Trespass on the Case, Vicarious Liability;

77. That the court Order all defendants to compensate Kennedy \$50,000 each under Fifth Cause of Action - Negligence;

78. That the court Order Defendant Kate E. M. Tercha to return to all tenants listed in 12-30-2018 Koze letter, for operating rental building under unsafe conditions for humans;

79. That the court Order defendants United States Postal Service, Brennan and Marshall to compensate Kennedy \$5,000,000 each for Fourth Cause of Action, failure to provide a republican form of government;

80. That the court Order defendants United States Postal Service, and PPL to compensate Kennedy \$5,000,000 each for Second Cause of Action -RICO;

81. That the court Order defendants Koze and Tercha to compensate Kennedy \$12,500 each for Seventh Cause of Action - Breach of Contract;

82. That the court Order defendants Koze and Tercha to compensate Kennedy \$12,500 each for Eighth Cause of Action - Fraud Material Omission;

83. That the court Order defendant PPL to refile with the US government SEC Form 10-K from 2008 to present for Eighth Cause of Action - Fraud Material Omission;

84. That the court grant such, other and further relief as the court deems proper;

85. For interest as allowed by law and for costs of suit incurred;

86. That the court grant Kennedy his attorney's fees;

87. Order rental building off-limits for human domicile;

88. I, Edward Thomas Kennedy, declare under penalty of perjury that the foregoing facts are true and correct to the best of my knowledge.

Date: January 10, 2019.

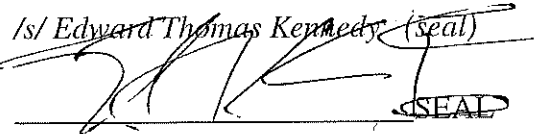
Attached:

Exhibit 1, Law of the Case (22 pages)

Exhibit 2, Digital Picture Evidence for 401 Tillage Rd., Breinigsville, PA 18031 (4 pages)

JAN 10, 2019
SNC

Respectfully submitted,

/s/ Edward Thomas Kennedy (seal)
 (SEAL)

Edward Thomas Kennedy, Plaintiff
401 Tillage Road
Breinigsville, Pennsylvania
Telephone: 415-275-1244.
Email: pillar.of.peace.2012@gmail.com
Email: kennedy2018@alumni.nd.edu

CERTIFICATE OF SERVICE

I hereby certify that on January, I filed the foregoing Complaint and said two attachment Exhibits, Motion to File Electronically, Motion to Compel Service of Process, Memo in Support of Motion, and this Certificate of Service to the following Clerk of Court:

KATE BARKMAN, CLERK OF COURT
Clerk's Office
U.S. District Court, E.D. of PA 2609
U.S. Courthouse
601 Market Street
Philadelphia, PA 19106-1797

Clerk of this Court by regular US mail (not certified) and the foregoing Complaint to the following relevant parties:

By U.S. Mail:
Mark A. Milley, General
Chairman of the Joint Chiefs of Staff
9999 Joint Staff Pentagon
Washington, DC 20318-9999

By U.S. Mail:
John G. Roberts, Jr., Chief Justice of the United States,
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

Dated this 10th day of January 2019.

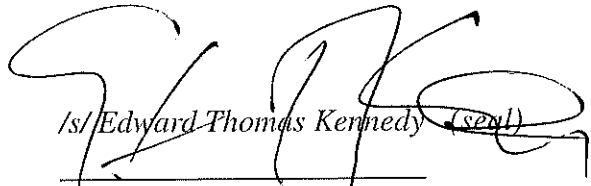

/s/ Edward Thomas Kennedy (seal)
EDWARD THOMAS. KENNEDY

Exhibit 1 LAW OF THE CASE

Law of the Case is decreed as follows as though fully stated in the complaint.

1. Statutes and codes shall be the rules of decision as long as they are not in conflict with the common law. (See the use of dictionaries in the Supreme Court of the United States, by Kevin Werbach Looking It Up: The Supreme Court's Use of Dictionaries in Statutory and Constitutional Interpretation (1994). When the word law is used in the US Constitution, they mean the common law.

2. In a court of record, a judge has no discretion. Discretion is reserved to the independent tribunal. When the word "law" is used without qualification, it means common law. An "attorney at law" means one who practices common law. (notwithstanding the fact that modern attorneys ignore the subject). An "attorney in equity" is one who practices before an equity court.

3. Absolute Judicial immunity is a myth. A Judge does not have absolute immunity. Judicial immunity does not apply when the following conditions exist:

- a. when he is performing a non-judicial act, or
- b. when he acts in the complete absence of all jurisdiction.

4. Statutes are expressions of will from the legislature. To maintain confusion, Bar members append the word "law" to it. Naturally, one is supposed to then believe that statutory law is the same as and equal to common law (it isn't!). There is no legislative foundation for any Bar member to "practice" law.

5. Codes are nothing more than a collection of statutes and other rules arranged by subject instead of being arranged by date. Law beats statutes; statutes beat codes.

6. The California 1879 Constitution defines all California courts to be courts of record. California Government code says in two statutes: The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.¹

7. Commonwealth of Pennsylvania maintains confusion and deception with multiple versions of its Constitution. Commonwealth of Pennsylvania has had five versions of constitutions 1776, 1790, 1838, 1874, and 1968.²

8. "Whereas it is essential if a man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law," (Preamble - Universal Declaration of Human Rights)

9. Nisi Prius is defined as: "a court where civil actions are tried by a single judge sitting with a jury, as distinguished from an appellate court." This means the nisi prius court is a Trial Court which of course is where the facts of a case are discovered. A nisi prius court is a "court of no record," but a record is kept in a trial court. The mere keeping of a record does not qualify any court to be a court of record.

¹ California Government Code - 11120 and 54950.

² See John J. Kennedy, Pennsylvania Government and Politics, 1st Edition, Cognella publisher, 2018. Chapter 3, pages 79 to 90.

Exhibit 1 LAW OF THE CASE

10. Black's Law Dictionary, Fifth Edition, contributes to the confusion by listing only two of the four requirements for a court to qualify as a court of record. For the full explanation, see <https://www.1215.org/lawnotes/lawnotes/courtrec.htm>.

11. In California, all courts are named as courts of record. However, if in an individual case they are not operated as courts of record, then they don't qualify as such. It takes more than a name to make a court of record. Even though a court may be keeping a record, it is a court of no record if it does not conform to the remaining three requirements for a lawful court of record.

12. A court of record is a court which must meet the following criteria:

1. generally has a seal
2. power to fine or imprison for contempt
3. keeps a record of the proceedings
4. proceeding according to the common law (not statutes or codes)
5. the tribunal is independent of the magistrate (judge)

Notice that a judge is a magistrate and is not the tribunal, and the tribunal is either the sovereign himself or a fully empowered jury (not a jury paid by the government).

13. Black's Law Dictionary's omissions are subtle but one can recombine the information and get to the real meaning of terms such as "nisi prius".

14. "Nisi prius" is a Latin term. Individually, the words mean this: "Prius" means "first." For example, "Prius vitiis laboravimus, nunc legibus" means "We labored first with vices, now with laws." Quoted from Black's Law Dictionary, Fifth Edition. "Nisi" means "unless." Quoting from B.L.D., 5th Ed.: "The word is often affixed as a kind of elliptical expression, to the words 'rule,' 'order,' 'decree,' 'judgment,' or 'confirmation,' to indicate that the adjudication spoken of is one which is to stand as valid and operative unless the party affected by it shall appear and show cause against it, or take some other appropriate step to avoid it or procure its revocation."

15. "Nisi prius court" is a court which will proceed unless a party objects. The agreement to proceed is obtained from the parties first.

16. It is a matter of right that one may demand to be tried in a court of record as defined herein. By sheer definition, that means that the court must proceed according to the common law (not the statutory law). The only way that a court can suspend that right is by the prior agreement of the parties.

17. For tactical reasons, the Commonwealth of Pennsylvania and/or the state and/or State prefers to proceed according to statutory law rather than common law. The only way it can do that is to obtain the prior agreement from the parties. That is the primary (but hidden) purpose of the arraignment procedure.

18. During arraignment choices for pleading are only guilty, not guilty, nolo contendere, but all three choices lead to the same jurisdiction, namely a statutory jurisdiction, not a common law jurisdiction. That is to say, the question to be decided is whether or not the statute was violated, not whether the common law was violated.

19. The dictionary does not lie in its definition of a nisi prius court but it does omit some important information. Namely, that it is a court that has been set up by prior agreement assumed because when the three statutory options [guilty, not guilty, nolo contendere] were presented to the defendant he chose one. He thus failed to enforce his right to be prosecuted in a court of record.

Exhibit 1 LAW OF THE CASE

20. Once the agreement (as evidenced in the arraignment proceeding) has been secured, the court proceeds under statutory authority. Now the court ceases to be a court of record and becomes a court of no record by prior lack of objection, i.e. by prior agreement implied by failure to object.

21. Naturally, after securing the agreement, a nisi prius court can move on to examine the facts with a judge and jury, etc. etc.

22. The criminal court is an inferior court because it is operating according to special rules (criminal code) and not according to the common law. Even if its name is "Superior Court of" it is still an inferior court so long as it is operating according to some code or statutes rather than the common law. On the other hand, a court of record, so long as it meets the criteria, is a truly superior court. The decisions and proceedings of an inferior court are not presumed to be valid. The inferior court can be sued in a superior court (that's called a "collateral attack"). In other words, the superior court (court of record) outranks the inferior court, not of record."

23. Government Manipulation of Language. The first "trick" of the Government is the re-definition of certain critical words in each Statute (Act) The Government assumes the ordinary meaning of the word so as to trick the public into reading and interpreting the Statute in their favor. Here is a summary of some of the Trick Words. Two keywords that are re-defined in almost every Statute are the words "person" and "individual". There is at least two "person" in law: A natural-person is a legal entity for the human being.

An artificial-person is a legal entity that is not a human being. (Here are the exact definitions from Barron's Canadian Law Dictionary, fourth edition (ISBN 0-7641-0616-3): natural person. A natural person is a human being that has the capacity for rights and duties. artificial person. A legal entity, not a human being, recognized as a person in law to whom certain legal rights and duties may attach - e.g. a body corporate.)

24. The natural-person has the "capacity" (i.e. ability) for rights and duties, but not necessarily the obligation. The artificial-person has rights and duties that may be attached (i.e. assigned) bylaws.

25. The second "trick" of the Government is to use the Interpretation Act to define words that apply to all Statutes unless re-defined within a particular Statute. Without this knowledge, one could assume the ordinary meaning for the words one is reading, not realizing that they may have been defined by the Interpretation Act. Unless these words have been re-defined in another Statute, the underlying definitions for the two most important words still apply, either from the Interpretation Act, or the Canadian Law Dictionary.

Basically, they are defined as follows:

a. from the Canadian Law Dictionary one can find that:
individual means a natural person,

b. from the Income Tax Act find the re-definition:
individual means an artificial person.

c. from the Canadian Law Dictionary find that:
person means an individual (natural person) or an incorporated group (artificial person),

d. from the Interpretation Act find the re-definition:
person means a corporation (an artificial- person),

e. from the Income Tax Act find the re-definition again:
person means an artificial person (amongst other things).

Exhibit 1 LAW OF THE CASE

26. In the Canadian Human Rights Act, one can see how individual and person are used and how they are applied to natural and artificial persons.

27. The third "trick" of the Government is to use the word "includes" in definitions instead of using the word "means". They do this in some critical definitions that they want to be misinterpreted. If they used "means" instead of "includes" then their deception would be exposed, but by using "includes" they rely upon the reader to assume that "includes" expands the definition, whereas, in reality, it restricts the definition in the same manner that "means" restricts the definition.

28. Here is a means definition of the word "person" from the Bank Act:
person means a natural person, an entity or a personal representative;

29. Here is an includes definition of the word "person" from the Interpretation Act:
person, or any word or expression descriptive of a person, includes a corporation
To expose their deception, substitute the word means or any word or expression descriptive of a person, means a corporation (viz. artificial-person)

30. Both "means" and "includes" are restrictive in scope because they only encompass part of the whole. Typically they are used in the following form:

person means A or B or C (and nothing else).

person includes A and B and C (and nothing else).

31. From the above example, one sees the logical difference. The list that follows means is constructed using "or", whereas the list that follows includes is constructed using "and".

32. There is a Legal Maxim that supports the restriction of "includes" which is as follows: *Inclusio unius est exclusio alterius*. The inclusion of one is the exclusion of another. The definition of the word include is key to understanding the potential loss of the natural person. This is the major trick used by the Government in an attempt to take away natural-person rights. Unless this is known one voluntarily forfeits rights.

33. The fourth "trick" of the Government is to modify how the word "includes" is used in order to make an expansion in the definition when such expansion is required. This "trick" helps add confusion to the use of "includes" convincing most readers that "includes" should always be expansive rather than limiting. Here are some legitimate ways in which "includes" is modified to become expansive rather than restrictive:

also includes, and includes, includes, without limitation, including, including but not limited to

34. The expansive definitions usually take the following form:

person means A or B or C and includes D. (A,B, C and D). However, there is also a possibility that "and includes" is restrictive in some constructions. There are some people investigating this possibility right now. Their logic is demonstrated by the following example of a definition that states: province means a province of Canada and includes Ontario and Quebec.

So, if one presumes that "and includes" does provide expansion then one must ask why Ontario and Quebec had to be specifically mentioned when they are already part of a so-called province.

35. The above construction clearly defines the scope of what is meant by province, that is a province of Canada (it does not say which one), and includes only Ontario and Quebec (compiled from a list of two from the original scope of all provinces). In this construction, means provides the scope of the definition and includes provides the list of what is actually included in the definition.

Exhibit 1 LAW OF THE CASE

36. The foregoing analysis is one interpretation but is not the only interpretation. The use of "includes" in statutory definitions can be argued both ways and is the backbone of understanding interpretations.

37. With the presumption that "and includes" is restrictive, then we must take a very close look at the following definition, taken from the Interpretation Act: province means a province of Canada and includes the Yukon Territory, the Northwest Territories and Nunavut.

38. With this presumption what is stated is: unless another statute re-defines province, the default definition of province only includes the Yukon Territory, the Northwest Territories and Nunavut.

39. So in order to not become absurd, we must allow for "and includes" to be expansive, however, more work needs to be done on this subject before placing the last nail in the coffin, so to speak.

40. Barron's Canadian Law Dictionary does not provide definitions for "include" or "means" therefore we have to look in the next source for the definitions.

41. From Black's Law Dictionary, fourth edition, here is the definition for the word "include":

include. To confine within, hold as in an enclosure, take in, attain, shut up, contain, inclose, comprise, comprehend, embrace, involve. Including may, according to context, express an enlargement and have the meaning of and or in addition to, or merely specify a particular thing already included within general words heretofore used.

inclose. To surround; to encompass; to bound; fence, or hem in, on all sides.

It is stated in the above definition that the verb include is clearly restrictive and only has limited scope. On the other hand, the participle, including (but not limited to) enlarges the scope.

42. Therefore the conclusion is that when used in a definition, include does not expand the existing definition of the word it is attempting to define.

43. It is easy to be confused because one naturally assumes the existing definition of the word, then assume include means to add this new interpretation to the existing assumed definition of the word. Our assumptions fail us in this case.

44. For the Doubting Thomas: If one looks into any statute, one will be able to find a definition that uses the word includes and attempts to broaden the scope of that word to include the ordinary meaning, find that the statute will break down because it will not be able to support the inclusion of the ordinary meaning of the word.

45. The breakdown usually occurs when slavery is invoked.

46. Courts may be classified and divided according to several methods, the following being the more usual: COURTS OF RECORD and COURTS NOT OF RECORD.

47. The former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt. The error lies to their judgments, and they generally possess a seal.

48. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded. See 3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.

49. A "court of record" is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding

Exhibit 1 LAW OF THE CASE

according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial. See *Jones v. Jones*, 188 Mo. App. 220, 175 S.W. 227, 229; *Ex parte Gladhill*, 8 Metc. Mass., 171, per Shaw, C.J. See, also, *Ledwith v. Rosalsky*, 244 N.Y.

50. CONFIRMATIO CARTARUM, (conforming charter)

October 10, 1297, **By Edward, King of England**, reaffirms that the Magna Carta may be pleaded as the Common Law before a court.

This links the Magna Carta to the Common Law.

The U.S. Constitution guarantees one's access to the Common Law, i.e. the Magna Carta.

(See "Sources of Our Liberties" Edited by Richard L. Perry, American Bar Foundation; distributed by Associated College Presses, 32 Washington Place, New York 3, New York.).

51. The Constitution guarantees to every state a Republican form of government (Art. 4, Sec. 4).

52. No state may join the United States unless it is a Republic. Our Republic is one dedicated to "liberty and justice for all." Minority individual rights are the priority. The people have natural rights instead of civil rights. The people are protected by the Bill of Rights from the majority. One vote in a jury can stop all of the majority from depriving any one of the people of his rights; this would not be so if the United States were a democracy.

53. The definition of sovereignty retains the meaning it had at the time the US Constitution was formed. Who is the Tribunal? Answer: The sovereign, the ultimate Judge.

54. ...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves..... [*CHISHOLM v. GEORGIA* (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL (1793) pp 471-472.]

55. The very meaning of 'sovereignty' is that the decree of the sovereign makes law. [*American Banana Co. v. United Fruit Co.*, 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.]

56. Where rights secured by the Constitution are involved, there can be no rulemaking or legislation which would abrogate them. [*Miranda v. Arizona*, 384 US 436, 491.]

57. There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights. [*Sherer v. Cullen*, 481 F 946.]

58. Republican government. One in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives are chosen by the people, to whom those powers are specially delegated. [*In re Duncan*, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; *Minor v. Happersett*, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627." *Black's Law Dictionary*, Fifth Edition, p. 626.]

59. The Commonwealth of Pennsylvania is an inseparable part of the United States of America, and the United States Constitution is the supreme law of the land. Notice and see Pennsylvania Constitution, all versions.

60. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby; any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. [Constitution for the United States of America, Article VI, Clause 2.]

61. Conspiracy against rights: If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District

Exhibit 1 LAW OF THE CASE

in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured - They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death. [18, USC 241]

62. Deprivation of rights under color of law: Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death. [18, USC 242]

63. COURT. The person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue, wherever that may be. ³

64. COURT. An agency of the sovereign created by it directly or indirectly under its authority, consisting of one or more officers, established and maintained for the purpose of hearing and determining issues of law and fact regarding legal rights and alleged violations thereof, and of applying the sanctions of the law, authorized to exercise its powers in the course of law at times and places previously determined by lawful authority. ⁴

65. COURT OF RECORD. To be a court of record a court must have four characteristics and may have a fifth. They are:

A. A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]

B. Proceeding according to the course of common law [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]

³ Black's Law Dictionary, 5th Edition, page 318.

⁴ Isbill v. Stovall, Tex.Civ.App., 92 S.W.2d 1067, 1070; Black's Law Dictionary, 4th Edition, page 425.

Exhibit 1 LAW OF THE CASE

C. Its acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. the U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231]

D. Has power to fine or imprison for contempt. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. the U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary, 4th Ed., 425, 426]

E. Generally possesses a seal. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. the U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.][Black's Law Dictionary, 4th Ed., 425, 426]

66. The following persons are magistrates: ...The judges of the superior courts.... [California Penal Code, Sec. 808.] ...our justices, sheriffs, mayors, and other ministers, which under us have the laws of our land to guide, shall allow the said charters pleaded before them in judgment in all their points, that is to wit, the Great Charter as the common law.... [Confirmatio Cartarum, November 5, 1297, Sources of Our Liberties Edited by Richard L. Perry, American Bar Foundation]

67. Henceforth the writ which is called Praeceptum shall not be served on anyone for any holding so as to cause a free man to lose his court. [Magna Carta, Article 34].

68. If any claim, statement, fact, or portion in this action is held inapplicable or not valid, such a decision does not affect the validity of any other portion of this action.

69. The singular includes the plural and the plural the singular. The word people is both singular and plural.

70. The present tense includes the past and future tenses; and the future, the present.

71. The masculine gender includes the feminine and neuter.

72. We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

73. Through the courts, Plaintiff Kennedy encourages the government to obey the law.

75. Edward Thomas Kennedy, Plaintiff, is one of the people and in the court of record, wishes and demands individual defendants, and/or their counsel, to reply and testify, affirm, and/or declare under penalty of perjury to his complaint.

76. The Eleventh Amendment does not protect state officials from claims for prospective relief when it is alleged that state officials acted in violation of federal law. Warnock v. Pecos County, 88 F.3d 341 (5th Cir. 07/08/1996), Ex parte Young, 209 U.S. 123, 155-56, 52

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L. Ed. 714, 28 S. Ct. 441 (1908); *Edelman v. Jordan*, 415 U.S. 651, 664, 39 L. Ed. 2d 662, 94 S. Ct. 1347 (1974); *Brennan v. Stewart*, 834 F.2d 1248, 1252 (5th Cir. 1988).

77. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of receipts and expenditures of all public money shall be published from time to time." ⁵

78. The Constitution of the United States of America, Article II Section 2. "The judicial power shall extend to all cases, in law and equity,⁶ arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;--to all cases affecting ambassadors, other public ministers and consuls;--to all cases of admiralty and maritime jurisdiction;--to controversies to which the United States shall be a party;--to controversies between two or more states; between a state and citizens of another state;--between citizens of different states;--between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed."

79. Charter for the Province of Pennsylvania-1681.⁷

80. Penn's Charter of Liberty - April 25, 1682.⁸

81. Charter of Privileges Granted by William Penn, Esq. to the Inhabitants of Pennsylvania and Territories, October 28, 1701.⁹

82. Constitution of Pennsylvania - September 28, 1776.¹⁰

83. Small points of the law are not law.

84. Trespass means injury committed with force, actual or implied; immediate and not consequential; if the property involved, the property was in actual or constructive possession of the plaintiff at the time of injury. Source: Koffler: Common Law Pleading, 152 (1969)

85. Trespass on the Case – In practice, means the form of action by which a person seeks to recover damages caused by an injury unaccompanied with force or which results indirectly from the act of the defendant. It is more generally called, simply, case. Source: 2 Bouvier's Law Dictionary 610 (1867).

⁵ Article I, Section 9, Clause 7, U.S. Constitution, [link here](https://constitution.solari.com/the-appropriations-clause-a-history-of-the-constitutions-as-of-yet-underused-clause/)
<https://constitution.solari.com/the-appropriations-clause-a-history-of-the-constitutions-as-of-yet-underused-clause/>

⁶ Law here means common law.

⁷ http://avalon.law.yale.edu/17th_century/pa01.asp

⁸ http://avalon.law.yale.edu/17th_century/pa03.asp

⁹ http://avalon.law.yale.edu/18th_century/pa07.asp

¹⁰ http://avalon.law.yale.edu/18th_century/pa08.asp

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86. "...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves; the citizens of America are equal as fellow citizens, and as joint tenants in the sovereignty." CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL 1793 pp 471-472.

87. The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. Through the medium of their Legislature they may exercise all the powers which previous to the Revolution could have been exercised either by the King alone, or by him in conjunction with his Parliament; subject only to those restrictions which have been imposed by the Constitution of this State or of the U.S. Lansing v. Smith, 21 D. 89., 4 Wend 9 (1829) (New York)

"D." = Decennial Digest, Lansing v. Smith, 4 Wend. 9 (N.Y.) (1829), 21 Am. Dec. 89
10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 1'67;
48 C Wharves Sec. 3, 7. NOTE: Am.Dec.=American The decision, Wend. = Wendell (N.Y.)

88. Law of Armed Conflict, Senator Lindsey Graham Questions Brett Kavanaugh
Military Law vs Criminal Law, link here:

https://www.youtube.com/watch?v=3_gmOsnjrZw&index=25&list=WL&t=0s.

The case cited by Graham and Kavanaugh is here: YASER ESAM HAMDI v. DONALD H. RUMSFELD, SECRETARY OF DEFENSE, et al., link here:

<http://law2.umkc.edu/faculty/projects/ftrials/conlaw/hamdi.html>.

89. California Government Code Sections 11120 and 54950 contain strong statements about the sovereignty of the people.

90. CALIFORNIA CODES GOVERNMENT CODE SECTION 54950-54963 54950.
In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

91. CALIFORNIA CODES GOVERNMENT CODE SECTION Section 11120: It is the public policy of this state that public agencies exist to aid in the conduct of the people's business and the proceedings of public agencies be conducted openly so that the public may remain informed. In enacting this article the Legislature finds and declares that it is the intent of the law that actions of state agencies be taken openly and that their deliberation be conducted openly. The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created. This article shall be known and may be cited as the Bagley-Keene Open Meeting Act.

92. SCOTUS recognizes personal sovereignty, June 16, 2011.
https://www.supremecourt.gov/opinions/13pdf/12-158_6579.pdf.

93. CONSTITUTIONAL PREAMBLES

Constitution for the United States of America: We the People of the United States, in

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Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

1849 California Constitution: WE the people of California, grateful to Almighty God for our freedom: in order to secure its blessings, do establish this Constitution.

1879 State of California Constitution: We, the People of the State of California, grateful to Almighty God for our freedom, in order to secure and perpetuate its blessings, do establish this Constitution.

In all three constitutions (and the constitution of any real republic) the operative word is "establish." People existed in their own individual sovereignty before the constitution was enabled. When the People "establish" a constitution, there is nothing in the word "establish" that signifies that they have yielded any of their sovereignty to the agency they have created. To interpret otherwise would convert the republic into a democracy. Also, see the legislated notice from the People to the government written in the California Government Codes 11120 and 54950 quoted herein.

94. To deprive the People of their sovereignty it is first necessary to get the People to agree to submit to the authority of the entity they have created. That is done by getting them to claim they are citizens of that entity (see Constitution for the U.S.A., XIV Amendment, for the definition of a citizen of the United States.)

95. 14 C.J.S. 426, 430 The particular meaning of the word "citizen" is frequently dependent on the context in which it is found ¹¹, and the word must always be taken in the sense which best harmonizes with the subject matter in which it is used. ¹² One may be considered a citizen for some purposes and not a citizen for other purposes, as, for instance, for commercial purposes, and not for political purposes. ¹³ So, a person may be a citizen in the sense that as such he is entitled to the protection of his life, liberty, and property, even though he is not vested with the suffrage or other political rights. ¹⁴

96. SOVEREIGNTY Black's Law Dictionary, Fourth Edition
The power to do everything in a state without accountability,--to make laws, to execute and to apply them, to impose and collect taxes and levy contributions, to make war or peace, to form treaties of alliance or of commerce with foreign nations, and the like. Story, Const. Sec 207
Sovereignty in government is that public authority which directs or orders what is to be done by each member associated in relation to the end of the association. It is the supreme power by which any citizen is governed and is the person or body of persons in the state to whom there is politically no superior. The necessary existence of the state and that right and power which necessarily follow is "sovereignty." By "sovereignty in its largest sense is meant supreme, absolute, uncontrollable power, the absolute right to govern. The word which by itself comes nearest to being the definition of "sovereignty" is will or volition as applied to political affairs. ¹⁵

¹¹ Cal.--Prowd v. Gore, 2 Dist. 207 P. 490. 57 C.A. 458.

¹² Cal.--Prowd v. Gore. 2 Dist. 207 P. 490. 57 C.A. 458. La.--Lepenser v Griffin, 83 So. 839, 146 La. 584 N.Y.--Union Hotel Co. v. Hersee, 79 N.Y. 454.

¹³ U.S.--The Freundschaft, N.C., 16 U.S. 14, 3 Wheat. 14, 4 L.Ed. 322
--Murray v. The Charming Betsy, 6 U.S. 64, 2 Cranch 64, 2 L.Ed. 208 Md.--Risewick v. Davis, 19 Md. 82 Mass.--Judd v. Lawrence, 1 Cush 531.

¹⁴ Mass.--Dillaway v. Burton, 153 N.E. 13, 256 Mass. 568.

¹⁵ City of Bisbee v. Cochise County, 52 Ariz. 1, 78 P.2d 982, 986.

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STATE Black's Law Dictionary, Fourth Edition

A People permanently occupying a fixed territory bound together by common-law habits and custom into one body politic exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries, capable of making war and peace and of entering into international relations with other communities of the globe.¹⁶

97. In concluding his list of grievances against the Parliament and crown, Jefferson used a reference to natural rights that was to be the core of the Declaration of Independence he drafted two years later: . . . That these are our grievances which we have thus laid before his majesty, with that freedom of language and sentiment which becomes a free people claiming their rights, as derived from the laws of nature, and not as the gift of their chief magistrate.¹⁷

98. "In *Chisholm*, the Justices of the Supreme Court rejected Georgia's claim to be sovereign. They concluded instead that, to the extent, the term "sovereignty" is even appropriately applied to the newly-adopted Constitution, it rests with the people, rather than with state governments."¹⁸

99. A person may be a citizen for commercial purposes and not for political purposes."¹⁹

100. Lieber Code

The Lieber Code of April 24, 1863, also known as Instructions for the Government of Armies of the United States in the Field, General Order № 100,[1][2] or Lieber Instructions, was an instruction signed by US President Abraham Lincoln to the Union Forces of the United States during the American Civil War that dictated how soldiers should conduct themselves in wartime.

101. 18 U.S. Code § 2384 - Seditious conspiracy

If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined under this title or imprisoned not more than twenty years, or both.

(June 25, 1948, ch. 645, 62 Stat. 808; July 24, 1956, ch. 678, § 1, 70 Stat. 623; Pub. L. 103-322, title XXXIII, § 330016(1)(N), Sept. 13, 1994, 108 Stat. 2148.)

102. 18 U.S. Code § 2381 - Treason

Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than \$10,000; and shall be incapable of holding any office under the United States.

¹⁶ United States v. Kusche, D.C.Cal., 56 F.Supp. 201, 207, 208. The organization of social life which exercises sovereign power in behalf of the people. Delany v. Moraitis, C.C.A.Md., 136 F.2d 129, 130.

¹⁷ <https://www.loc.gov/teachers/classroommaterials/connections/thomas-jefferson/history3.html>

¹⁸ In re *Chisholm v. Georgia*, 2 U.S. (Dall.) 419 (1793). Barnett, Randy E., The People or The State?: *Chisholm V. Georgia* and Popular Sovereignty. *Virginia Law Review*, Vol. 93; Georgetown Public Law Research Paper No. 969557. Available at SSRN: <http://ssrn.com/abstract=969557>.

¹⁹ *Field v. Adreon*, 7 Md. 209.

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(June 25, 1948, ch. 645, 62 Stat. 807; Pub. L. 103-322, title XXXIII, § 330016(2)(J), Sept. 13, 1994, 108 Stat. 2148.)

103. RESERVATION OF SOVEREIGNTY: "Even if the Tribe's power to tax were derived solely from its power to exclude non-Indians from the reservation, the Tribe has the authority to impose the severance tax. Non-Indians who lawfully enter tribal lands remain subject to a tribe's power to exclude them, which power includes the lesser power to tax or place other conditions on the non-Indian's conduct or continued presence on the reservation. The Tribe's role as a commercial partner with petitioners should not be confused with its role as sovereign. It is one thing to find that the Tribe has agreed to sell the right to use the land and take valuable minerals from it, and quite another to find that the Tribe has abandoned its sovereign powers simply because it has not expressly reserved them through a contract. To presume that a sovereign forever waives the right to exercise one of its powers unless it expressly reserves the right to exercise that power in a commercial agreement turns the concept of sovereignty on its head. *Merrion v. Jicarilla Apache Tribe*; *Amoco Production Company v. Jicarilla Apache Indian Tribe*, 455 U.S. 130, 131, 102 S.Ct. 894, 71 L.Ed.2d 21 (1981).

104. TREATY BETWEEN THE HOLY SEE AND ITALY, Article 24

In regard to the sovereignty appertaining to it also in the international realm, the Holy See declares that it desires to remain and will remain outside of any temporal rivalries between other States and the international congresses called to settle such matters, unless the contending parties make a mutual appeal to its mission of peace; it reserves to itself in any case the right to exercise its moral and spiritual power. Consequently, Vatican City will always and in every case be considered neutral and inviolable territory.²⁰

105. Executive Order 11110 AMENDMENT OF EXECUTIVE ORDER NO. 10289, John F. Kennedy, President of the United States.²¹ President Kennedy's Executive Order (E.O.) 11110 modified the pre-existing Executive Order 10289 issued by U.S. President Harry S. Truman on September 17, 1951, and stated the following:^[14]

The Secretary of the Treasury is hereby designated and empowered to perform the following-described functions of the President without the approval, ratification, or other action of the President...

E.O. 10289 then lists tasks (a) through (h) which the Secretary may now do without instruction from the President. None of the powers assigned to the Treasury in E.O. 10289 relate to money or to monetary policy.

President Kennedy's E.O. 11110, in its entirety, follows:

SECTION 1. Executive Order No. 10289 of September 19 [sic], 1951, as amended, is hereby further amended --

²⁰

<http://www.vaticanstate.va/content/dam/vaticanstate/documenti/leggi-e-decreti/Normative-Penali-e-Amministrative/LateranTreaty.pdf>

²¹ Executive Order 11110 Amendment of Executive Order No. 10289, as amended, relating to the performance of certain functions affecting the Department of the Treasury, Signed: June 4, 1963 Federal Register page and date: 28 FR 5605; June 7, 1963. Amends: EO 10289, September 17, 1951

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(a) By adding at the end of paragraph 1 thereof the following subparagraph (j):

"(j) The authority vested in the President by paragraph (b) of section 43 of the Act of May 12, 1933, as amended (31 U.S.C. 821 (b)), to issue silver certificates against any silver bullion, silver, or standard silver dollars in the Treasury not then held for redemption of any outstanding silver certificates, to prescribe the denominations of such silver certificates, and to coin standard silver dollars and subsidiary silver currency for their redemption," and

(b) By revoking subparagraphs (b) and (c) of paragraph 2 thereof.

SEC. 2. The amendment made by this Order shall not affect any act done, or any right accruing or accrued or any suit or proceeding had or commenced in any civil or criminal cause prior to the date of this Order but all such liabilities shall continue and may be enforced as if said amendments had not been made.

JOHN F. KENNEDY

THE WHITE HOUSE,

June 4, 1963

106. Effective January 1, 2019, 2018 Amendments to the Manual for Courts-Martial, United States, issued on March 1, 2018, Sec. 5. The amendments in Annex 2, including Appendix 12A, shall take effect on January 1, 2019, subject to the following:²²

(a) Nothing in Annex 2 shall be construed to make punishable any act done or omitted prior to January 1, 2019, that was not punishable when done or omitted.

107. Donald J. Trump Presidential Executive Orders must be followed by all government employees and BAR Association member Attorneys worldwide, and are as follows:

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<https://www.whitehouse.gov/presidential-actions/2018-amendments-manual-courts-martial-united-states/>

a) Nothing in Annex 2 shall be construed to make punishable any act done or omitted prior to January 1, 2019, that was not punishable when done or omitted.

(b) Nothing in section 4 of Annex 2 shall be construed to invalidate the prosecution of any offense committed before January 1, 2019. The maximum punishment for an offense committed before January 1, 2019, shall not exceed the maximum punishment in effect at the time of the commission of such offense.

(c) Nothing in Annex 2 shall be construed to invalidate any nonjudicial punishment proceeding, restraint, investigation, referral of charges, trial in which arraignment occurred, or other action begun prior to January 1, 2019. Except as otherwise provided in this order, the amendments in Annex 2 shall not apply in any case in which charges are referred to trial by court-martial before January 1, 2019. Except as otherwise provided in this order, proceedings in any such case shall be held in the same manner and with the same effect as if such amendments had not been prescribed.

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January 20, 2017

Executive Order 13765—Minimizing the Economic Burden of the Patient Protection and Affordable Care Act Pending Repeal

January 24, 2017

Executive Order 13766—Expediting Environmental Reviews and Approvals for High-Priority Infrastructure Projects

January 25, 2017

Executive Order 13767—Border Security and Immigration Enforcement Improvements

January 25, 2017

Executive Order 13768—Enhancing Public Safety in the Interior of the United States

January 27, 2017

Executive Order 13769—Protecting the Nation From Foreign Terrorist Entry Into the United States

January 28, 2017

Executive Order 13770—Ethics Commitments by Executive Branch Appointees

January 30, 2017

Executive Order 13771—on Reducing Regulation and Controlling Regulatory Costs

February 3, 2017

Executive Order 13772—on Core Principles for Regulating the United States Financial System

February 9, 2017

Executive Order 13773—on Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking

February 9, 2017

Executive Order 13774—on Preventing Violence Against Federal, State, Tribal, and Local Law Enforcement Officers

February 9, 2017

Executive Order 13775—Providing an Order of Succession Within the Department of Justice

February 9, 2017

Executive Order 13776—on a Task Force on Crime Reduction and Public Safety

February 24, 2017

Executive Order 13777—Enforcing the Regulatory Reform Agenda

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February 28, 2017

Executive Order 13778—on Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the “Waters of the United States” Rule

February 28, 2017

Executive Order 13779—on The White House Initiative to Promote Excellence and Innovation at Historically Black Colleges and Universities

March 6, 2017

Executive Order 13780—Protecting the Nation From Foreign Terrorist Entry Into the United States

March 13, 2017

Executive Order 13781—Comprehensive Plan for Reorganizing the Executive Branch

March 27, 2017

Executive Order 13782—on the Revocation of Federal Contracting Executive Orders

March 28, 2017

Executive Order 13783—on Promoting Energy Independence and Economic Growth

March 29, 2017

Executive Order 13784—Establishing the President’s Commission on Combating Drug Addiction and the Opioid Crisis

March 31, 2017

Executive Order 13785—on Establishing Enhanced Collection and Enforcement of Antidumping and Countervailing Duties and Violations of Trade and Customs Laws

March 31, 2017

Executive Order 13786—Omnibus Report on Significant Trade Deficits

March 31, 2017

Executive Order 13787—on Providing an Order of Succession Within the Department of Justice

April 18, 2017

Executive Order 13788—on Buy American and Hire American

April 21, 2017

Executive Order 13789—on Identifying and Reducing Tax Regulatory Burdens

April 25, 2017

Executive Order 13790—on Promoting Agriculture and Rural Prosperity in America

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April 26, 2017

Executive Order 13791—on Enforcing Statutory Prohibitions on Federal Control of Education

April 26, 2017

Executive Order 13792—on the Review of Designations Under the Antiquities Act

April 27, 2017

Executive Order 13793—on Improving Accountability and Whistleblower Protection at the Department of Veterans Affairs

April 28, 2017

Executive Order 13794—Establishment of the American Technology Council

April 28, 2017

Executive Order 13795—Implementing an America-First Offshore Energy Strategy

April 29, 2017

Executive Order 13796—Addressing Trade Agreement Violations and Abuses

April 29, 2017

Executive Order 13797—Establishment of Office of Trade and Manufacturing Policy

May 4, 2017

Executive Order 13798—Promoting Free Speech and Religious Liberty

May 11, 2017

Executive Order 13799—on the Establishment of Presidential Advisory Commission on Election Integrity

May 11, 2017

Executive Order 13800—on Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure

June 15, 2017

Executive Order 13801—Expanding Apprenticeships in America

June 21, 2017

Executive Order 13802—Amending Executive Order 13597

June 30, 2017

Executive Order 13803—on Reviving the National Space Council

July 11, 2017

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Executive Order 13804—Allowing Additional Time for Recognizing Positive Actions by the Government of Sudan and Amending Executive Order 13761

July 19, 2017

Executive Order 13805—Establishing a Presidential Advisory Council on Infrastructure

July 21, 2017

Executive Order 13806—on Assessing and Strengthening the Manufacturing and Defense Industrial Base and Supply Chain Resiliency of the United States

August 15, 2017

Executive Order 13807—on Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure

August 24, 2017

Executive Order 13808—on Imposing Sanctions with Respect to the Situation in Venezuela

August 28, 2017

Executive Order 13809—on Restoring State, Tribal, and Local Law Enforcement's Access to Life-Saving Equipment and Resources

September 21, 2017

Executive Order 13810—on Imposing Additional Sanctions with Respect to North Korea

September 29, 2017

Executive Order 13811—on the Continuance of Certain Federal Advisory Committees

September 29, 2017

Executive Order 13812—on the Revocation of Executive Order Creating Labor-Management Forums

October 12, 2017

Executive Order 13813—Promoting Healthcare Choice and Competition Across the United States

October 20, 2017

Executive Order 13814—Amending Executive Order 13223

October 24, 2017

Executive Order 13815—on Resuming the United States Refugee Admissions Program with Enhanced Vetting Capabilities

December 8, 2017

Executive Order 13816—on Revising the Seal for the National Credit Union

Exhibit 1 LAW OF THE CASE

Administration

December 20, 2017

Executive Order 13817—on a Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals

December 20, 2017

Executive Order 13818—Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption

December 22, 2017

Executive Order 13819—Adjustments of Certain Rates of Pay

January 3, 2018

Executive Order 13820—on the Termination of Presidential Advisory Commission on Election Integrity

January 8, 2018

Executive Order 13821—on Streamlining and Expediting Requests to Locate Broadband Facilities in Rural America

January 9, 2018

Executive Order 13822—on Supporting Our Veterans During Their Transition From Uniformed Service to Civilian Life

January 30, 2018

Executive Order 13823—on Protecting America Through Lawful Detention of Terrorists

February 26, 2018

Executive Order 13824—President's Council on Sports, Fitness, and Nutrition

March 1, 2018

Executive Order 13825—2018 Amendments to the Manual for Courts-Martial, United States

March 7, 2018

Executive Order 13826—Federal Interagency Council on Crime Prevention and Improving Reentry

March 19, 2018

Executive Order 13827—Taking Additional Steps to Address the Situation in Venezuela

April 10, 2018

Executive Order 13828—Reducing Poverty in America by Promoting Opportunity and Economic Mobility

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April 11, 2018 (this is not an EO), Combination of two Acts that allows States and Victims to Fight Online Sex Trafficking Act of 2017 (FOSTA), which includes the Stop Enabling Sex Traffickers Act of 2017 (SESTA), that gives both law enforcement and victims new tools to fight sex trafficking.

April 12, 2018

Executive Order 13829—Task Force on the United States Postal System

April 20, 2018

Executive Order 13830—on the Delegation of Authority to Approve Certain Military Decorations

May 3, 2018

Executive Order 13831—Establishment of a White House Faith and Opportunity Initiative

May 9, 2018

Executive Order 13832—Enhancing Noncompetitive Civil Service Appointments of Military Spouses

May 15, 2018

Executive Order 13833—Executive Order Enhancing the Effectiveness of Agency Chief Information Officers

May 17, 2018

Executive Order 13834—Efficient Federal Operations

May 21, 2018

Executive Order 13835—Executive Order Prohibiting Certain Additional Transactions with Respect to Venezuela

May 25, 2018

Executive Order 13836—Executive Order Developing Efficient, Effective, and Cost-Reducing Approaches to Federal Sector Collective Bargaining

May 25, 2018

Executive Order 13837—Ensuring Transparency, Accountability, and Efficiency in Taxpayer Funded Union Time Use

May 25, 2018

Executive Order 13838—Exemption from Executive Order 13658 for Recreational Services on Federal Lands

May 25, 2018

Executive Order 13839—Promoting Accountability and Streamlining Removal Procedures

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Consistent with Merit System Principles

June 19, 2018

Executive Order 13840—Ocean Policy to Advance the Economic, Security, and Environmental Interests of the United States

June 20, 2018

Executive Order 13841—Affording Congress an Opportunity to Address Family Separation

July 10, 2018

Executive Order 13842—Establishing an Exception to Competitive Examining Rules for Appointment to Certain Positions in the United States Marshals Service, Department of Justice

July 10, 2018

Executive Order 13843—Enhancing the Efficiency of America's Administrative Law Courts

July 11, 2018

Executive Order 13844—Establishment of the Task Force on Market Integrity and Consumer Fraud

July 19, 2018

Executive Order 13845—Establishing the President's National Council for the American Worker

August 6, 2018

Executive Order 13846—Reimposing Certain Sanctions with Respect to Iran

August 30, 2018

Executive Order 13847—Strengthening Retirement Security in America

September 12, 2018

Executive Order 13848—Imposing Certain Sanctions in The Event of Foreign Interference in The United States Elections

September 20, 2018

Executive Order 13849—Authorizing the Implementation of Certain Sanctions Set Forth in the Countering America's Adversaries Through Sanctions Act

November 1, 2018

Executive Order 13850—Blocking Property of Additional Persons Contributing to the Situation in Venezuela

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November 27, 2018

Executive Order 13851—Blocking Property of Certain Persons Contributing to the Situation in Nicaragua

December 1, 2018

Executive Order 13852—Providing for the Closing of Executive Departments and Agencies of the Federal Government on December 5, 2018 (George H.W. Bush Funeral).

Presidential Proclamation on National Slavery and Human Trafficking Prevention Month, 2019²³

²³

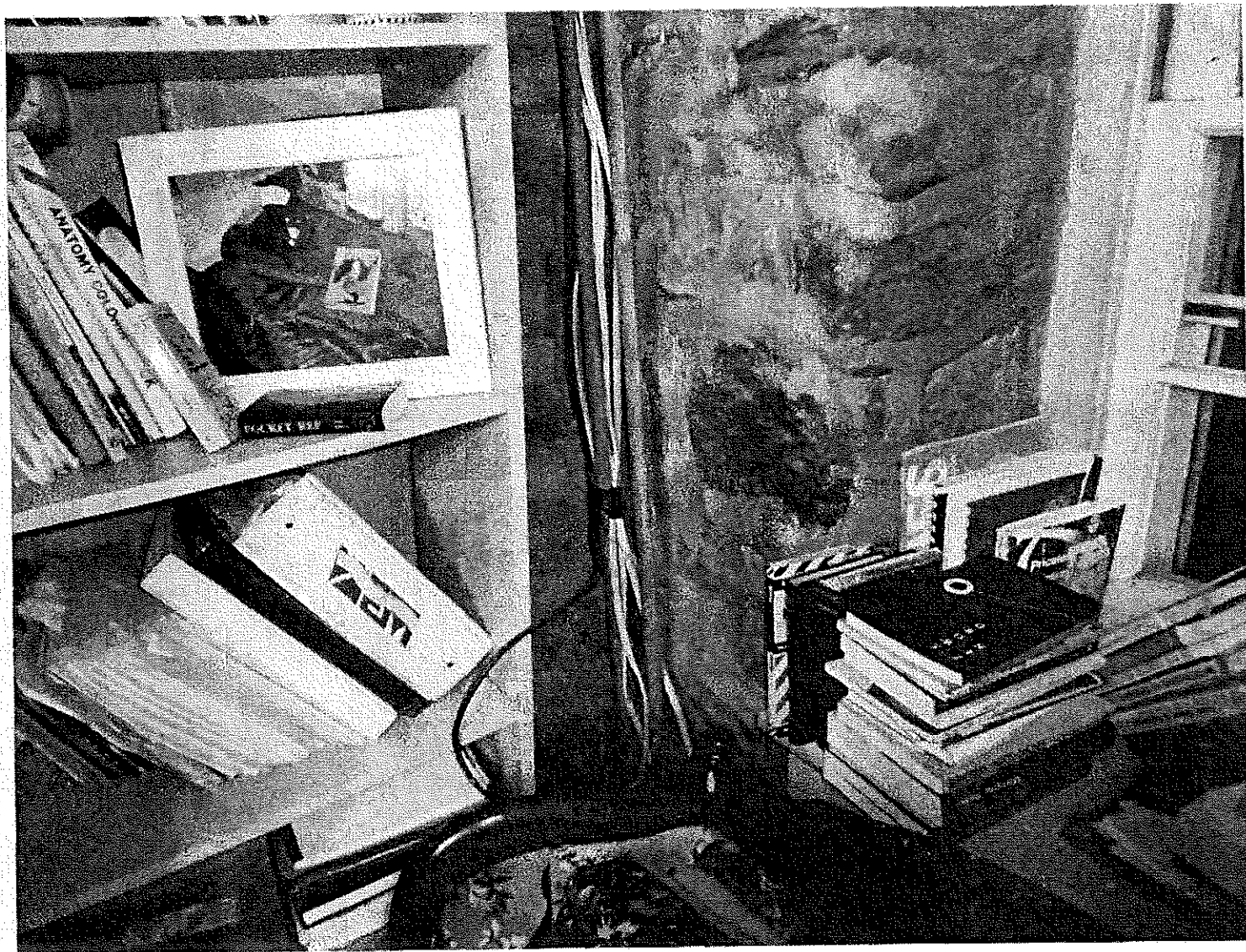
<https://www.whitehouse.gov/presidential-actions/presidential-proclamation-national-slavery-human-trafficking-prevention-month-2019/>

Exhibit 2



1 of 4

Community Room
Medical devices
ONE



2 of 4

expand wire



Exhibit 2

3 of 24

(Keweenaw's Room)

exposed wiring



Exhibit 2

4 #101

Four.

COVER LETTER and Instructions / Do Not File Cover Letter

January 10, 2019

By US regular mail
KATE BARKMAN, CLERK OF COURT
Clerk's Office
U.S. District Court, ED of PA 2609
U.S. Courthouse
601 Market Street
Philadelphia, PA 19106-1797

Dear Clerk of Court Barkman,

Notice

Executive Order 13825 concerning 2018 Amendments to the Manual for Courts-Martial, United States (March 1, 2018) effective January 1, 2019,¹ FEDERAL EMPLOYEES NOW SUBJECT TO MILITARY LAW. Judiciary is independent but not its employees.

78% Of Americans Live Paycheck To Paycheck (Including Many Government Workers Affected By The Shutdown)²

¹ See Law of Armed Conflict, Senator Lindsey Graham Questions Brett Kavanaugh Military Law vs Criminal Law, link here:

https://www.youtube.com/watch?v=3_gmOsnjrZw&index=25&list=WL&t=0s.

The case cited by Graham and Kavanaugh is here: YASER ESAM HAMDI v. DONALD H. RUMSFELD, SECRETARY OF DEFENSE, et al., link here:

<http://law2.umkc.edu/faculty/projects/ftrials/conlaw/hamdi.html>, and Exhibit 2, Law of the Case.

1. Enclosed please find Civil Cover Sheet, Case Management Track Designation Form, Designation Form, and Application to Proceed etc., (waive fees) all signed, plus please file the enclosed Complaint, two Exhibits,³ Motion to File Electronically, Motion to Compel Service of Process, Memo in Support of Motion, and Certificate of Service in/on Complaint.

2. Concerning my Affidavit to Waive fees, I request not to be filed, and if it must be filed, please protect my privacy and private data.

3. I object to latin slang phrase "pro se" for I am self-represented.

4. For the motion to file via ECF, use three emails listed herein. I have a pacer account.

5. Please also send me 12 USM 285 forms for the US Marshall to perform service of process. I expect these fees to be waived without delay for by rights, I am entitled a to speedy jury trial.

6. Call me if questions at the numbers below.

7. I ACCEPT YOUR OATH OF OFFICE AND BIND YOU TO IT.

8. Notice also the press release of John Roberts,⁴ Judiciary Operating on Limited Funds During Shutdown, Published on January 7, 2019, link here:

Date: January 10, 2019

Respectfully,

/s/Edward Thomas Kennedy
(seal)

Edward Thomas Kennedy (seal)
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³ Exhibit 1 is 22 pages; Exhibit 2 is 4 pages. I scanned using high quality, jpeg. color and then converted the file to PDF.

⁴ <https://www.uscourts.gov/news/2019/01/07/judiciary-operating-limited-funds-during-shutdown>